

HOUSE BILL 293

By Harwell

AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 5, Part 56, relative to incentives for pre-k through 12 teachers and school counselors to obtain national certification.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 49-5-5609, is amended by deleting the section in its entirety and by substituting instead the following:

(a)

(1) To encourage Tennessee teachers to become excellent teachers and to retain them in the teaching profession, the state shall support teachers' efforts to achieve national certification through the National Board for Professional Teaching Standards (NBPTS) as provided in subdivision (a)(2).

(2) Pursuant to rules adopted by the state board of education, the state department of education shall:

(A) Provide approved paid leave time for teachers participating in the national certification process;

(B) Pay the participation fee; and

(C) Pay an annual salary differential to teachers who attain national certification which shall be equal to twelve percent (12%) of the salary on the board-approved salary schedule for a master's degree and five (5) years experience.

(b) As used in this section, unless the context otherwise requires:

(1) "Teacher" means a person who meets the qualifications of chapter 5, part 1 of this title and has received a license to teach in a public school system in compliance with the rules and regulations of the state board of education. In

addition, to be eligible for the salary differential, the individual shall spend at least seventy percent (70%) of such individual's work time in:

(A) Classroom instruction, if the employee is employed as a teacher. Most of the teacher's remaining time shall be spent in one (1) or more of the following: mentoring teachers, doing demonstration lessons for teachers, writing curricula, developing and leading staff development programs for teachers; or

(B) Work within the employee's area of certification or licensure, if the employee is employed in an area of National Board for Professional Teaching Standards' certification other than direct classroom instruction; and

(2) "Tennessee public school" means a school operated by a local board of education, including a charter school.

(c) The state shall pay the National Board for Professional Teaching Standards' certification participation fee for all teachers participating in the National Board for Professional Teaching Standards' program who:

(1) Have completed three (3) full years of teaching in a Tennessee public school; and

(2)

(A) Have not previously received state funds for participating in any certification area in the National Board for Professional Teaching Standards' program;

(B) Have repaid any state funds previously received for the National Board for Professional Teaching Standards' certification process; or

(C) Have received a waiver of repayment from the state board of education.

(d) A teacher who does not complete the process shall repay the certification fee to the state. Repayment is not required if a teacher does not complete the process due to the death or disability of the teacher. The state board of education may waive the repayment requirement if it finds that the teacher was unable to complete the process due to:

(1) The illness of the teacher;

(2) The death or catastrophic illness of a member of the teacher's immediate family;

(3) Parental leave to care for a newborn or newly adopted child; or

(4) Other extraordinary circumstances.

(e) A teacher who does not teach for one (1) year in a Tennessee public school after completing the process shall repay the certification fee to the state. Repayment is not required if a teacher does not teach in a Tennessee public school for at least one (1) year after completing the process due to such teacher's death or disability. The state board of education may extend the time before which a teacher must either teach for one (1) year or repay the participation fee if it finds that the teacher is unable to teach the next year due to:

(1) The illness of the teacher;

(2) The death or catastrophic illness of a member of the teacher's immediate family;

(3) Parental leave to care for a newborn or newly adopted child; or

(4) Other extraordinary circumstances.

(f) The state board of education is authorized to promulgate rules and regulations for the administration of this section. All such rules and regulations shall be promulgated in accordance with the provisions of the Uniform Administrative Procedures Act, compiled in title 4, chapter 5. Proposed rules and regulations shall be submitted by the state board to the joint oversight committee on education for review and comment.

SECTION 2. Tennessee Code Annotated, Title 49, Chapter 5, Part 56, is amended by adding the following language as a new section:

§ 49-5-5610.

(a)

(1) To encourage Tennessee school counselors to become excellent school counselors and to retain them in the school counseling profession, the state shall support school counselors' efforts to achieve certification as a Nationally Certified School Counselor through the National Board for Certified Counselors as provided in subdivision (a)(2).

(2) Pursuant to rules adopted by the state board of education, the state department of education shall:

(A) Provide approved paid leave time for school counselors participating in the national certification process;

(B) Pay the application fee; and

(C) Pay an annual salary differential to school counselors who attain national certification which shall be equal to twelve percent (12%) of the salary on the board-approved salary schedule for a master's degree and five (5) years experience.

(b) As used in this section, unless the context otherwise requires:

(1) "School counselor" means a person who has received a professional school service personnel license with endorsement in school counseling to provide school counseling in a public school system in compliance with the rules and regulations of the state board of education. In addition, to be eligible for the salary differential, the individual shall be employed in a Tennessee public school as a school counselor; and

(2) "Tennessee public school" means a school operated by a local board of education, including a charter school.

(c) The state shall pay the National Board for Certified Counselors application fee for all school counselors participating in the National Certified School Counselor program who:

(1) Have completed three (3) full years of school counseling in a Tennessee public school; and

(2)

(A) Have not previously received state funds for participating in the National Certified School Counselor certification process;

(B) Have repaid any state funds previously received for the National Certified School Counselor certification process; or

(C) Have received a waiver of repayment from the state board of education.

(d) A school counselor who does not complete the process shall repay the application fee to the state. Repayment is not required if a school counselor does not complete the process due to the death or disability of the school counselor. The state board of education may waive the repayment requirement if it finds that the school counselor was unable to complete the process due to:

(1) The illness of the school counselor;

(2) The death or catastrophic illness of a member of the school counselor's immediate family;

(3) Parental leave to care for a newborn or newly adopted child; or

(4) Other extraordinary circumstances.

(e) A school counselor who is not employed for one (1) year in a Tennessee public school after completing the process as a school counselor shall repay the application fee to the state. Repayment is not required if a school counselor is not employed in a Tennessee public school as a school counselor for at least one (1) year after completing the process due to such school counselor's death or disability. The state board of education may extend the time before which a school counselor shall be employed for one (1) year as a school counselor or repay the application fee if it finds that the school counselor is unable to be employed as a school counselor the next year due to:

(1) The illness of the school counselor;

(2) The death or catastrophic illness of a member of the school counselor's immediate family;

(3) Parental leave to care for a newborn or newly adopted child; or

(4) Other extraordinary circumstances.

(f) The state board of education is authorized to promulgate rules and regulations for the administration of this section. All such rules and regulations shall be promulgated in accordance with the provisions of Uniform Administrative Procedures Act, compiled in title 4, chapter 5. Proposed rules and regulations shall be submitted by the state board to the joint oversight committee on education for review and comment.

SECTION 3. This act shall take effect July 1, 2007, the public welfare requiring it.

